

REMARKS

In the Office Action mailed December 28, 2004, the Examiner rejected claim 21 under 35 USC Section 102 as being anticipated by Luzzatto. Claims 1-7 and 9 were rejected under 35 USC Section 103(a) as being unpatentable over Applicant's background in view of Luzzatto and Malackowski. Claims 11-13 were rejected under 35 USC Section 103 as being unpatentable over Luzzatto in view of Malackowski. Claims 22 and 23 were rejected under 35 USC Section 103 as being unpatentable over Luzzatto. Claims 8 and 14 were objected to, and claims 15-20 were allowed. In view of the following comments, the Examiner's rejections are respectfully traversed, and reconsideration of the claims as presented herein is requested.

Luzzatto discloses a radio 11 having a user actuatable selection input switch which is used to place the radio in a forward mode. When in forward mode, the radio 11 receives a message and broadcasts the message. The Examiner states that the secondary reference to Malackowski discloses providing a reward. However, Malackowski discloses in column 3, lines 1-12:

... the mailing of product/service information to their home or business; an audio listing of local retailers and their addresses or telephone numbers (with directions under certain circumstances); direct product sales; couponing; sampling; sweepstakes entry; polling optional transfer to a retailer; optional transfer to the advertiser's costumer service number; optional transfer to the advertiser's mail order desk; or, an opportunity to participate in a brief survey (for which the prospect may receive some nominal compensation or award).

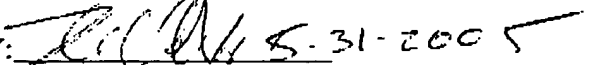
The Examiner states that it would have been obvious to one of ordinary skill in the art to provide the teaching of Malackowski to Luzzatto "in order to encourage the user of the wireless apparatus to allow shared use of its wireless resources...." However, neither Luzzatto nor Malackowski shows or suggests providing a reward for sharing a wireless resource. First, neither reference provides motivation for the hypothetical combination. Luzzatto does not disclosure infrastructure for providing the services suggested by Malackowski. Malackowski teaches providing an award for participating in a survey. Thus even if combined, as suggested *only* by the Examiner, the combination would at best suggest providing a reward to the originating radio 10 in exchange for the user of

radio 10 participating in a survey. Accordingly, the references are not properly combinable, and even if combined, do not teach the subject matter stated by the Examiner.

It is respectfully submitted that the claims are in condition for allowance. A Notice of Allowance is respectfully solicited.

Respectfully Submitted

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